IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

LA.App..No. 1079 of 2003(D)

LAR.23/2001 of SUB COURT, CHERTHALA
.....

APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

RESPONDENT: CLAIMANT:

PARVATHY ANTHARJANAM,
KAINAKKARA MANA, KUTHIATHODU VILLAGE,
CHERTHALA.

BY ADV. SRI.V.N.SWAMINATHAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 01/11/2007 ALONG WITH CO NO. 27 OF 2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

I.A. 883 OF 2003
IN
L.A.A. 1079 OF 2003
.....

DISMISSED

1.11.2007 ID/- KURIAN JOSEPH, JUDGE.

ID/- HARUN-UL-RASHID, JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.1079 of 2003 & Cross-objection No.27 of 2005

Dated: November 1, 2007

JUDGMENT

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in LAR No.23/2001 on the file of the Sub Court, Chertahala. The acquisition is for the purpose of a water supply scheme set up by the Kerala Water Authority, the requisitioning authority. That authority is not on the party array. For that only reason the judgment and decree under appeal are to be set aside and the case remitted to the Reference Court with a direction to the court to implead the requisitioning authority. Therefore, without expressing any opinion on the merits of the case, we set aside the judgment and decree in LAR No.23/2001 and remit the matter to the Reference Court - Sub Court, Cherthala - with a direction to the said court to implead the Kerala Water Authority in the proceedings before that court. The cross-objection is also accordingly remitted to the reference court. In view of the remand as above, the cross-objectors shall be entitled to refund of the court fee. We make it clear that since the requisitioning authority is also coming on the party array, it will be open to the parties to adduce fresh evidence.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.1079 of 2003 &
Cross-objection No.27 of 2005

JUDGMENT

1.11.2007